

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable James O. Browning

CASE NO. CR 21-0668 JB

DATE: 9/23/2021

TITLE: *USA v. Robinson*

COURTROOM CLERK: L. Rotonda

COURT REPORTER: J. Bean

COURT IN SESSION: 1:35 PM

TOTAL TIME: 3:03 PM = 1 HOUR, 28 MINUTES

TYPE OF PROCEEDING: MOTION HEARING

COURT RULING:

1. Motion Appealing Detention Order [[19](#)] – see below.

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Joe Romero (appearing via Zoom)

Shana Long (appearing via Zoom)

PROCEEDINGS:

COURT IN SESSION: 1:35 PM

COURT: CALLS CASE, COUNSEL ENTER APPEARANCES. ADDRESSES COUNSEL AS TO WHETHER COURT SHOULD FIND THAT MATTER CANNOT BE DELAYED WITHOUT CAUSING HARM TO INTERESTS OF JUSTICE, COUNSEL RESPOND IN THE AFFIRMATIVE. COURT SO FINDS, PERMITS PARTIES TO APPEAR VIA ZOOM.

MR. ROMERO: REVIEWS BASIS FOR REQUEST TO REVIEW DETENTION ORDER, ARGUES IN SUPPORT OF MOTION APPEALING DETENTION ORDER (DOC. [19](#)).

2:05 PM COURT: QUERIES COUNSEL AND PROBATION REGARDING CRIMINAL HISTORY.

MR. GALAZ: RESPONDS AS TO SAME.

MR. ROMERO: RESPONDS AS TO SAME.

MR. GALAZ: ADDRESSES COURT REGARDING AVAILABILITY OF BEDS FOR FEMALES.

COURT: QUERIES MR. ROMERO REGARDING STRONGEST ARGUMENT THAT DEFENSE HAS MET ITS BURDEN OF PRODUCTION.

MR. ROMERO: RESPONDS TO COURT'S QUERY.

MS. LONG: ARGUES IN OPPOSITION TO MOTION, REVIEWS RELEVANT UNDERLYING EVENTS.

COURT: QUERIES MS. LONG REGARDING POSITION ON HALFWAY HOUSE AS THIRD PARTY CUSTODIAN, VIABILITY OF LOCATION MONITORING AND LOCKDOWN CONDITIONS.

MS. LONG: RESPONDS AS TO SAME.

COURT: QUERIES PRETRIAL SERVICES AS TO WHETHER IT IS STILL RECOMMENDING DETENTION.

MR. GALAZ: RESPONDS IN THE AFFIRMATIVE.

COURT: QUERIES MR. GALAZ AS TO WHETHER ANY OF THESE RECOMMENDATIONS ARE BASED ON CONCERN THAT MS. ROBINSON POSES A DANGER TO THE COMMUNITY.

MR. GALAZ: RESPONDS AS TO SAME, INDICATES BASING ON BOTH DANGER TO THE COMMUNITY AND RISK OF NON-APPEARANCE.

COURT: QUERIES AS TO WHETHER MR. ROMERO WOULD PERMIT COURT TO ASK MS. ROBINSON QUESTIONS.

MR. ROMERO: PROVIDES CONSENT AS TO SAME.

COURT: QUERIES MS. ROBINSON REGARDING CONCERNS RAISED BY MS. LONG.

MS. ROBINSON: RESPONDS TO COURT'S QUERIES.

MR. ROMERO: PARAPHRASES MS. ROBINSON'S STATEMENT, ARGUES IN REBUTTAL.

COURT: INDICATES BELIEF THAT DEFENSE MET ITS BURDEN OF REBUTTING PRESUMPTION, THINKS COURT CAN FASHION ARRANGEMENT WHICH WILL REDUCE RISKS TO ACCEPTABLE LEVEL. WILL ORDER SHE BE RELEASED TO HALFWAY HOUSE UNDER LOCKDOWN CONDITIONS, AND THAT SHE BE FITTED WITH LOCATION MONITORING DEVICE. ASKS THAT MR. GALAZ PREPARE ORDER, NOTES THAT THIS WILL DEPEND UPON AVAILABILITY OF BED, AS WILL NOT RELEASE TO OTHER THIRD-

PARTY CUSTODIAN.

COURT IN RECESS: 3:03 PM